

REMARKS

In the Office Action dated December 30, 2003, the Examiner rejects claims 1 and 2 under 35 U.S.C. § 102(e) and under 35 U.S.C. § 103(a) and objects to claims 3 and 4 as being dependant upon claim 1. With this Amendment, claims 1 and 3 are amended. No claims are canceled. After entry of this Amendment, claims 1-12 are pending in the application. For the reasons set forth herein, the invention as defined by the claims is allowable over the prior art of record. Consideration of the application as amended is respectfully requested.

The Applicant has reviewed the specification and made various changes throughout. It is respectfully submitted that these changes add no new subject matter to the application as originally filed. Instead, they merely correct typographical and grammatical errors. The Examiner's approval of the corrections to the specification is respectfully requested.

The Examiner rejects claims 1 and 2 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tsai (U.S. Patent No. 6,401,966). Claim 1 has been amended to overcome the Examiner's rejections of both anticipation and obviousness. In particular, claim 1 now has been amended to include master cylinder, slave cylinder and damper elements Tsai does not have. This overcomes any anticipation of claim 1 by Tsai. As claim 2 is dependent on claim 1 it also overcomes any anticipation of claim 2 by Tsai.

Tsai teaches a plastic pressure vessel structure that can reduce the capillary phenomenon largely, so as to provide an efficient sealing effect. In contrast to the present invention, Tsai does not teach about hydraulic actuator systems in general or dampers for such systems in particular. As such, Tsai is nonanalogous prior art which cannot support a finding of obviousness. For the forgoing reasons, claim 1 and its dependent claim 2 are allowable over the prior art of record.

The Examiner rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Murphy (U.S. Patent No. 5,368,073) in view of European Patent Application No. 0197911. It is respectfully submitted that the Examiner's reliance on the non-analogous art of Murphy is inappropriate. Murphy is class 138/30, pipes and tubular conduits with pressure compensators with variable capacity chambers. The present invention is akin to Romig's (U.S. Patent No. 4,924,992) Anti-Vibration Mechanism for a Clutch Pedal which is class 192/30, clutches. Murphy teaches an improved filament-wound hydro-pneumatic accumulator tank especially adapted for liquid dispensing systems. Murphy teaches nothing at all about damping of vibrations and more particularly does not teach about the damping of vibrations by use of a

diaphragm or an annular sidewall in a hydraulic actuator system for a clutch. As such, Murphy is nonanalogous prior art which cannot support a finding of obviousness. For the forgoing reasons, claim 1 and its dependent claim 2 are allowable over the prior art of record.

The Examiner objected to claims 3 and 4 as dependent upon rejected claim 1. Claim 3 has been re-written in independent form, thereby overcoming the Examiner's objection to claim 3. As claim 4 is dependent upon claim 3, the writing of claim 3 in independent form also overcomes the Examiner's objection to claim 4.

It is respectfully submitted that this Amendment transverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance, notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's Amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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